

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MARVIN D. SPADY	)	
	)	
Plaintiff,	)	
v.	)	
	)	
MARY HUDSON, AARON L.	)	C.A. No. 06-427 SLR
CHAFFINCH, THOMAS MACLEISH,	)	
DANIELLE KRAMKA and	)	
NANCY THOMAS,	)	
	)	
Defendants.	)	

**DEFENDANT’S MOTION FOR ENLARGEMENT OF TIME IN WHICH  
TO RESPOND TO AMENDED COMPLAINT**

COMES NOW State of Delaware Defendants, Mary Hudson, L. Aaron Chaffinch, Thomas MacLeish, Danielle Kramka and Nancy Thomas, by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting an enlargement of time pursuant to Fed.R.Civ.P. 6(b), within which to file a responsive pleading in the above-captioned case. In support of this motion, Defendants and counsel aver as follows:

1. Marvin Spady (“Plaintiff”) is a *pro se* litigant incarcerated at Delaware Correctional Center in Kent County, Delaware.
2. On or about October 23, 2006, plaintiff filed an Amended Complaint under 42 U.S.C.A. §1983 in this Court. (D.I. 10). The amended complaint, which followed the Court’s dismissal *sua sponte* of several additional defendants named in the original Complaint, generally alleges violations of Constitutional rights in connection with Plaintiff’s classification on the Delaware Sex Offender Registry. This Court granted plaintiff leave to proceed *in forma pauperis*. (D.I. 4).

3. Service of the October 23, 2006 Amended Complaint was not executed upon the office of the Attorney General until on or about December 28, 2006 and was forwarded to the undersigned counsel on or about January 8, 2007. (D.I. 14).

4. Upon review of the docket, it appears that Waiver of Service forms, dated December 20, 2006, were sent to Defendants Nancy Thomas and Mary Hudson. These forms were returned by said defendants on January 4 and January 5, 2007, respectively, independent of undersigned counsel, who will be representing these State employee defendants. (D.I. 13, 16).

5. The docket also shows that, to date, Plaintiff has not effected service on the remaining State Defendants, L. Aaron Chaffinch (former Colonel, Delaware State Police); Colonel Thomas MacLeish, and Danielle Kramka.

6. According to the rules of this Court, Defendants Thomas and Hudson's responsive pleadings to plaintiff's complaint would be due on Tuesday, February 20, 2007. (D.I. 13, 16).

7. Due to Defendant's counsel's absence from the office from February 9 through February 15, 2007 and other matters currently pending in this Court and the Delaware Supreme Court, counsel will require additional time to adequately represent her clients in this matter and respond to plaintiff's complaint. In addition, undersigned counsel will respond to the Amended Complaint as to all State Defendants (served and unserved), but without waiver of any defenses as to service deficiencies.

8. Accordingly, counsel hereby requests an extension of time until March 15, 2007, in which to file a responsive pleading.

9. This is Defendants' first request for an extension of time to file a responsive pleading in this case.

10. A form of order is attached to this motion that will grant Defendants an extension of time until on or before March 15, 2007, in which to file a responsive pleading.

WHEREFORE, for the reasons set forth above, Defendants respectfully request that this Honorable Court grant Defendants' request for an extension of time and set the deadline for filing a responsive pleading to the Amended Complaint on or before March 15, 2007.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Stephani J. Ballard

**STEPHANI J. BALLARD**, #3481

Deputy Attorney General

Department of Justice

State of Delaware

Carvel State Office Building

820 North French Street, 6th Fl.

Wilmington, DE 19801

(302) 577-8400

Attorney for Defendants

Dated: February 16, 2007

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**FOR THE DISTRICT OF DELAWARE**

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Plaintiff,	)	
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MARY HUDSON, AARON L.	)	C.A. No. 06-427 SLR
CHAFFINCH, THOMAS MACLEISH,	)	
DANIELLE KRAMKA and	)	
NANCY THOMAS,	)	
	)	
Defendants.	)	

**ORDER**

Upon the Defendants' Motion for Enlargement of Time in Which to Respond to Amended Complaint and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

**IT IS HEREBY ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The defendants have until on before March 15, 2007 in which to file a response to the amended complaint.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
The Honorable Sue L. Robinson  
United States District Court Judge

***CERTIFICATE OF MAILING AND/OR DELIVERY***

The undersigned certifies that on February 16, 2007, she caused the attached *Defendant's Motion for Enlargement of Time in which to Respond to Amended Complaint* to be delivered to the following persons in the form and manner indicated:

**NAME AND ADDRESS OF RECIPIENT(S):**

Marvin D. Spady  
SBI# 224202  
DCC  
1181 Paddock Road  
Smyrna, DE 19977

**MANNER OF DELIVERY:**

- ☐ One true copy by facsimile transmission to each recipient
- ☒ Two true copies by first class mail, postage prepaid, to each recipient
- ☐ Two true copies by Federal Express
- ☐ Two true copies by hand delivery to each recipient

/s/ Stephani J. Ballard  
**STEPHANI J. BALLARD**, #3481  
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